

REMARKS

1. Introduction. Claims 2-5, 7-14, 16-21 are pending in the case. Claims 1 and 6 have been cancelled in this response and Claim 15 was cancelled in Applicant's June 27, 2002 response. New claims 20 and 21 have been added. The Applicant wishes to point out to the Examiner that Claims 18 and 19 were added in Applicant's June 27, 2002 response but were apparently overlooked and therefore not addressed in the April 22, 2003 Office Action.

I do not believe that any additional filing fees are due; however, should there be any additional fees due, please charge Deposit Account No. 11-0245. No new matter has been added by the amendments to the claims.

2. Claims 5 and 10. The amendments to Claims 5 and 10 were made in accordance with the suggestion of the examiner. These claims should now be in proper form for allowance.

3. Claims 2 and 7. Applicant has amended Claim 2 to include all of the limitations of claim 1, from which claim 2 formerly depended. Claim 1 has been cancelled. Similarly, Applicant has amended Claim 7 to include all of the limitations of claim 6, from which claim 7 formerly depended. Claim 6 has been cancelled.

4. 35 U.S.C. §102(e) Rejection. Claims 1-4, 6-9, 11-14, 16 and 17 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Wood (US 6518224 B2). The examiner argues that Wood teaches drilling fluids which comprise crumb rubber within the scope of the size of the particles of the present invention, and within similar amounts.

Claims 2 and 7 are drawn to an embodiment of the invention wherein the elastomeric crumbs are oil and water wettable. This characteristic is achieved by chemical treatment of the elastomeric material with a surfactant (see Specification at page 8, line 17-19). The surfactant treatment is utilized to keep the rubber crumb in suspension so that the rubber particles are dispersed evenly throughout the drilling fluid. This surfactant treatment is essential to get the most efficient use of the crumb rubber. The Woods patent makes no reference to chemical pretreatment of the crumb rubber prior to use. Applicant has also added new claims 20 and 21. Claim 20 depends from claim 2 and includes the limitation that the elastomeric material have been treated with a surfactant. Similarly, claim 21 depends from claim 7 and includes the limitation that the elastomeric material have been treated with a surfactant.

Claim 11 is an independent method claim that incorporates the oil and water wettable nature of the crumb rubber sealant material into the claim. As mentioned in the previous paragraph, the oil and water wettable characteristic of the crumb rubber is a feature not found in Wood. All of the independent claims include the oil and water wettable limitation.

5. Conclusion. Based on the above amendments and remarks I believe that all of the claims remaining in the case are allowable and an early Notice of Allowability is respectfully

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requested. If the Examiner believes a telephone conference will expedite the disposition of this matter he is respectfully invited to contact this attorney at the number shown below.

Respectfully submitted,



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